

SENATE BILL 266

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By: **Senator Conway**

Introduced and read first time: January 22, 2010

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing – Membership – Nominations for Vacancies**

3 FOR the purpose of adding a currently practicing nurse who has practiced acute care
4 nursing for at least a certain number of years to the State Board of Nursing;
5 adding certain degrees that qualify an individual for the nurse administrator
6 member of the Board; requiring the registered nurse member of the Board who
7 is certified in advanced practice nursing to rotate among certain specialties;
8 authorizing certain professional nursing organizations to submit certain lists
9 from which the Governor can appoint certain Board members; authorizing
10 certain licensed nurses to submit certain petitions from which the Governor can
11 appoint certain Board members; requiring that certain petitions have a certain
12 number of signatures; requiring the Board to notify certain licensed nurses and
13 professional nursing organizations of certain vacancies on the Board; providing
14 that members appointed to the Board reflect certain diversity of the State;
15 clarifying the term limitations for a member of the Board who is appointed after
16 a term has begun; and generally relating to membership and nominations for
17 the State Board of Nursing.

18 BY repealing and reenacting, with amendments,

19 Article – Health Occupations
20 Section 8–202(a), (b), and (i)
21 Annotated Code of Maryland
22 (2009 Replacement Volume)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Health Occupations**

26 8–202.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) The Board consists of [12] **13** members.

2 (2) Of the [12] **13** Board members:

3 (i) [7] **8** shall be registered nurses;

4 (ii) 3 shall be licensed practical nurses; and

5 (iii) 2 shall be consumers.

6 (3) Of the [7] **8** registered nurse members:

7 (i) 1 shall be certified in an advanced practice nursing
8 specialty;

9 (ii) 1 shall be a baccalaureate nursing educator with, at least, a
10 master's degree in nursing or education;

11 (iii) 1 shall be an associate degree nursing educator with, at
12 least, a master's degree in nursing or education;

13 (iv) 1 shall be a practical nursing educator with, at least, a
14 bachelor of science degree in nursing or education;

15 (v) 1 shall be a nurse administrator with, at least, a master's
16 degree in nursing administration, **BUSINESS ADMINISTRATION, BUSINESS**
17 **MANAGEMENT**, education, or public health; [and]

18 (vi) 2 shall be nurse clinicians, one of whom shall have, at least,
19 a master's degree in nursing or public health; **AND**

20 **(VII) 1 SHALL BE A CURRENTLY PRACTICING NURSE, WHO**
21 **HAS PRACTICED ACUTE CARE FOR AT LEAST 5 YEARS, WITH A BACHELOR OF**
22 **SCIENCE DEGREE IN NURSING.**

23 **(4) THE REGISTERED NURSE MEMBER CERTIFIED IN AN**
24 **ADVANCED PRACTICE NURSING SPECIALTY SHALL ROTATE AMONG THE**
25 **FOLLOWING SPECIALTIES WITH EACH VACANCY:**

26 **(I) NURSE ANESTHETIST;**

27 **(II) NURSE PRACTITIONER;**

28 **(III) NURSE MIDWIFE; AND**

1 **(IV) NURSE PSYCHOTHERAPIST.**

2 (b) (1) **[(i)]** The Governor shall appoint:

3 **[1.] (I)** The registered nurse **[members]** **MEMBER**
4 certified in an advanced practice nursing specialty, with the advice of the Secretary,
5 from a list of qualified individuals jointly developed in accordance with the
6 requirements of **[subparagraph (iii) of this paragraph]** **SUBSECTION (A)(4) OF THIS**
7 **SECTION** and submitted to the Secretary and the Governor by the:

8 **[A.] 1.** Maryland Association of Nurse Anesthetists,
9 Inc.;

10 **[B.] 2.** Nurse Practitioners Association of Maryland,
11 Inc.;

12 **[C.] 3.** Maryland Coalition of Nurse Practitioners, Inc.;

13 **[D.] 4.** Maryland Chapter, American College of
14 Nurse–Midwives; and

15 **[E.] 5.** Psychiatric Advance Practice Nurses of
16 Maryland; and

17 **[2.] (II)** The other registered nurse members, with the
18 advice of the Secretary, from:

19 **1. [a] A** list of qualified individuals submitted to the
20 Secretary and the Governor by:

21 **A. [the] THE** Maryland Nurses Association, Inc.; **OR**

22 **B. ANY OTHER PROFESSIONAL NURSING**
23 **ORGANIZATION THAT REPRESENTS AT LEAST 25 LICENSED REGISTERED**
24 **NURSES; OR**

25 **2. A VALID PETITION SUBMITTED TO THE**
26 **SECRETARY AND THE GOVERNOR BY A REGISTERED NURSE WITH AN ACTIVE**
27 **LICENSE UNDER THIS TITLE.**

28 **[(ii)]** The number of names on the lists submitted to the Secretary
29 and the Governor in subparagraph (i) of this paragraph shall be 5 times the number of
30 vacancies.

(iii) The organizations developing and submitting the list of nominees for registered nurse members certified in an advanced practice nursing specialty in subparagraph (i) of this paragraph, shall only submit the names of nurses certified in one of the following specialties for each vacancy each term and shall rotate among the specialties with each nomination for a vacancy:

1. Nurse anesthetist;
2. Nurse practitioner;
3. Nurse midwife; and
4. Nurse psychotherapist.]

(2) The Governor shall appoint the licensed practical nurse members, with the advice of the Secretary, from:

(I) [a] A list of qualified individuals submitted to the Secretary and the Governor by:

1. [the] **THE** Maryland Licensed Practical Nurse Association, Inc.; **OR**
2. **ANY OTHER PROFESSIONAL NURSING ORGANIZATION REPRESENTING AT LEAST 25 LICENSED PRACTICAL NURSES; OR**

(II) **A VALID PETITION SUBMITTED TO THE SECRETARY AND THE GOVERNOR BY A LICENSED PRACTICAL NURSE WITH AN ACTIVE LICENSE UNDER THIS TITLE.**

(3) [The number of names on the list] **A LIST SUBMITTED TO THE SECRETARY AND THE GOVERNOR UNDER THIS SUBSECTION** shall be 5 times the number of vacancies.

(4) **A PETITION SUBMITTED TO THE SECRETARY AND GOVERNOR UNDER THIS SUBSECTION SHALL HAVE AT LEAST 25 SIGNATURES OF SUPPORT FROM NURSES WITH ACTIVE LICENSES IN THE STATE.**

(5) **THE BOARD SHALL PROVIDE NOTICE OF A VACANCY ON THE BOARD TO:**

(I) **ALL NURSES WITH AN ACTIVE LICENSE IN THE STATE;**
AND

1 **(II) ALL APPROPRIATE PROFESSIONAL NURSING**
2 **ORGANIZATIONS.**

3 **[(3)] (6)** The Governor may request an additional list of 5 nominees
4 for each vacancy **FROM THE APPROPRIATE PROFESSIONAL NURSING**
5 **ORGANIZATIONS.**

6 **[(4)] (7)** The Governor shall make the appointment for each vacancy
7 from the [original list or the additional list] **LISTS OR PETITIONS SUBMITTED**
8 **UNDER THIS SUBSECTION.**

9 **[(5)] (8)** The Governor shall appoint the consumer members with the
10 advice of the Secretary and the advice and consent of the Senate.

11 **(9) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO**
12 **THE BOARD SHALL REASONABLY REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC,**
13 **CULTURAL, AND GENDER DIVERSITY OF THE STATE.**

14 (i) (1) The term of a member is 4 years, except that the initial term of 1 of
15 the consumer members is 2 years.

16 (2) The terms of the members are staggered as required by the terms
17 provided for members of the Board on July 1, 1981.

18 (3) At the end of a term, a member continues to serve until a successor
19 is appointed and qualifies.

20 (4) A member who is appointed after a term has begun [serves only for
21 the rest of the term and until a successor is appointed and qualifies] **MAY SERVE AN**
22 **ADDITIONAL 2 CONSECUTIVE FULL TERMS.**

23 (5) A member may not serve more than 2 consecutive full terms.

24 (6) To the extent practicable, the Governor shall fill any vacancy on
25 the Board within 60 days of the date of the vacancy.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2010.